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ONTARIO LABOUR RELATIONS BOARD ANNUAL REPORT 2005-2006

Ontario

June 2006
Chair – Kevin Whitaker

2007-05862/

Table of Contents

OLRB Annual Report 2005-2006

Chair's Message 2005-2006

Accountability Statement 1

Preface 1

I **Organizational Overview**:
- Key Program Activities, Legislative Authority and Mandate 2
- Order in Council Appointments 4
- Board Staff 5
- Organizational Chart..... 6

II **Executive Summary**
Operational Performance:
- Caseload Analysis 7
- Statistical Tables and Graphs 15
- Case Management Efficiencies 39

III **Measuring Performance – Achieving Goals**
- 2005-2006 OLRB Performance Measures 40

IV **Financial Performance – Managing the Dollars**

- 2005-2006 OLRB Budget Allocation and Expenditures..... 41

Chair's Message 2005-2006

For the last 62 years, the first priority of the Ontario Labour Relations Board has remained the fair, practical, quick and effective resolution of labour and employment disputes. While the Board's jurisdiction and statutory responsibilities in 2006 now go far beyond its traditional role, our central mission remains the same.

Last year, the *Labour Relations Act* was significantly amended. Effective June 13, 2005 certain powers and responsibilities were provided to the Board:

-The Board may now certify a trade union where an employer commits unfair labour practices during an organizing drive. Similarly, the Board may dismiss an application for certification where a trade union commits unfair labour relations practices during the course of organizing;

-The Board may now certify a construction trade union as bargaining agent on the basis of membership cards filed without the necessity of holding a vote in the workplace;

-The Board may reinstate an employee discharged during an organizing campaign on an interim basis before a full hearing into the complaint occurs.

In the case of each of these changes to the Labour Relations Act, the Board has developed a process tailored to ensure that these new powers can be exercised in a manner that is expeditious and responsive to the needs of employees, trade unions and employers.

In these areas as well as others, the Board has continued to expand the use of the consultation process and mediation/adjudication as alternatives to the traditional hearing process. In this way we improve our ability to shorten the time between the filing of a complaint and the final resolution of a dispute either by agreement or decision.

The Board remains a leader in procedural innovation and is regularly consulted for advice and assistance by other administrative tribunals inside Ontario, in other provinces and in the federal sector.

The Board is committed to maintaining strong and direct links with our communities of users. This year, we established an Interim Community Advisory Committee to assist in the establishment of a permanent Advisory Committee.

Perhaps the Board's greatest strength lies in the significant accumulation of expertise across our entire organization. Whether it is administrative staff, adjudicators or mediators, we recruit and retain highly skilled staff who come from the labour relations and employment community. I would like to thank our staff for their tireless dedication to the highest standards of public service.

As always, we are grateful for the ongoing support and guidance that we get from you, the users of our services. We look forward to another year of providing the best workplace and employment problem solving. We welcome your comments and suggestions.

Kevin Whitaker
Chair:
Ontario Labour Relations Board
Colleges Relations Commission
Education Relations Commission

OLRB Annual Report 2005-2006

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2006 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – February 2000***, as issued by Management Board of Cabinet .

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Results Based Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2005 to March 31, 2006.

I Organizational Overview

- Key Program Activities, Legislative Authority, Mandate
- OICs and Staff

OLRB – Key Program Activities

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act*, R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  * *Pesticides Act*, R.S.O. 1990, c. P.11
  * *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* (the "Act") and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Order in Council (OIC) Appointments:

CHAIR		
Kevin Whitaker	Sep 20/04 – Sep 19/07	Sep 20/01-C; Mar 22/95-VC; PT- June 24/98-Dec 22/99
ALTERNATE CHAIR		
Mary Ellen Cummings	Aug 13/05 – Aug 12/08	Jan 1/99 – Alt; Aug 13/97– VC
VICE-CHAIRS (Full Time) – 15		
Ian B. Anderson	Mar 24/04 – Mar 23/07	March 24, 2004
Peter F. Chauvin	Mar 24/04 – Mar 23/07	March 24, 2004
Harry Freedman	Jul 08/04 – Jul 07/07	July 8, 1998
Patrick M. Kelly	May 18/05 – May 17/08	May 17, 1999
David A. McKee	Apr 29/05 – Apr 28/08	April 29, 1999
Mary Anne McKellar	Jan 24/04 – Jan 23/07	January 24, 2001
Brian C. McLean	Jul 08/04 – Jul 07/07	July 8, 1998
Corinne F. Murray	Feb 03/06 – Feb 02/09	February 3, 2003
Caroline Rowan	May 06/05 – May 05/08	May 6, 1999
Timothy W. Sargeant	Feb 28/05 – Feb 27/08	February 28, 1996
Susan J. Serena	May 28/06 – May 27/09	May 28/03
Marilyn Silverman	Apr 29/05 – Apr 28/08	April 29, 1999
Jack J. Slaughter	Feb 03/06 – Feb 02/09	February 3, 2003
Tanja Wacyk	May 28/06 – May 27/09	May 28, 2003
Kelly A. Waddingham	Jan 01/05 – Dec 31/07	PT April 7 – Dec 31, 2004 FT Jan 1/05
VICE-CHAIRS (Part Time) - 3		
Christopher J. Albertyn	Sep 01/04 – Aug 31/07	Oct 7/94; PT to Mar 8/95; PT – Sep 1/04
Bruce Binning	Aug 25/04 – Aug. 24/07	PT August 24, 2004
Norman Jesin	Aug 25/04 – Aug 24/07	PT August 25, 2004

BOARD MEMBERS	**PERIOD**	**ORIGINAL APPT.**
EMPLOYERS – Full Time - 5		
Richard J. O'Connor	Nov 06/05 – Nov 05/008	November 6, 2002
Glenn A. Pickell	Mar 25/04 – Mar 24/07	March 25, 1998
R.D. Paul LeMay	Dec 15/05 – Dec 14/08	December 15, 2005
Judith A. Rundle	Jul 17/04 – Jul 16/07	July 17, 1986
John A.Tomlinson	Nov 06/05 – Nov 05/08	November 6, 2002
EMPLOYEES – Full Time - 5		
Alan Haward	Mar 25/04 – Mar 24/07	March 25, 1998
Richard A. Baxter	Apr 03/06 – Apr 02/09	April 3, 2006
Rene R. Montague	Mar 06/04 – Mar 05/07	March 6, 1986
David A. Patterson	Apr 02/04 – Apr 01/07	April 2, 1986
Shannon R. B. McManus	Dec 15/05 – Dec. 14/08	December 15, 2005

Board Staff and Key Activities

The OLRB's operations and staff can be broadly divided into: The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

In December 1998 the Ontario Labour Relations Board Library was merged with the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library to form the new Ontario Workplace Tribunals Library. The library is situated in the same building as the Board – 505 University Avenue – currently on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

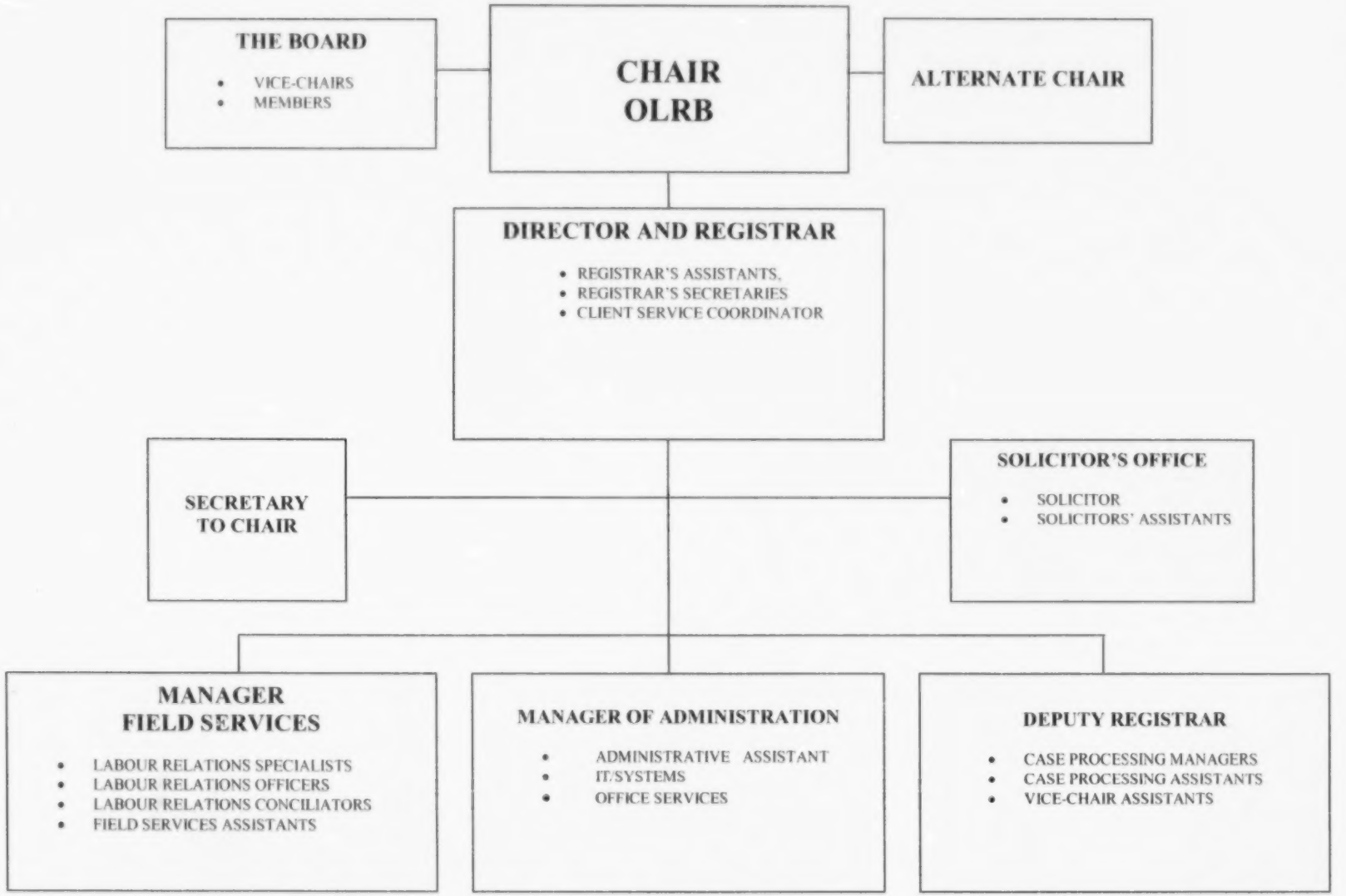
Field Services: (Mediation)

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

Legal Services:

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD



March 2006

II Executive Summary – Overview of Results

Operational Performance:
- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2005-2006

Caseload Analysis

In fiscal year 2005-2006, the Board had a total caseload of 6,258 applications, appeals and complaints, a decrease of 3.3% from 2004-2005.

The Board received 4,295 new cases and 1,963 cases were carried over from the previous year. Of the total caseload, 4,338 were disposed of during the year and 1,920 were pending in various stages of processing/mediation/adjudication at March 31, 2006.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. **(Table 3)**

Of those cases in which activity was completed and cases disposed by the end of the year, 83% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 753 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,918 cases at March 31, 2006.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 4,922 **decisions** covering 2,511 cases between April 1, 2005 and March 31, 2006.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 3,425 cases disposed of in 2005-2006, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – Certification applications, complaints of Contravention of the Act, and Referrals of Grievances under Construction Industry Collective Agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 3,425 cases **was 46 days. Median times for the three major categories of cases:** 597 certification applications were processed in a median of 18 days; 718 complaints of contravention of the Act took 59 days; 451 referrals of construction industry grievances required 10 days, and the remaining 1,659, for all other categories combined, took 69 days.

Certification of Bargaining Agents

In 2005-2006, the Board received 631 applications for certification of trade unions as bargaining agents of employees, a decrease of 16.86 percent from 2004-2005. (Table 1)

In addition to the 631 applications received, 241 cases were carried over from last year, making a total certification caseload of 872 in 2005-2006. Of the total caseload, 661 were disposed of and 211 cases were pending at March 31, 2006. Of the 661 dispositions, certification was granted in 352 cases; 146 cases were dismissed; 3 cases were terminated; and 160 cases were settled. The certified cases represented 53.25 percent of the total dispositions. **(Table 1)**

Of the 498 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 394 votes conducted, 359 involved a single union on the ballot, and 35 were between two unions. Applicants won in 251 of the votes and lost in the other 143. (Table 5)

A total of 21,606 employees were eligible to vote in the 394 elections, of whom 17,966 or 83.2 percent cast ballots. In the 251 votes that were won and resulted in certification, 11,598 or 64.6 percent of the 17,966 employees eligible to vote cast ballots. Of these voters, 7,930 or 77.8 percent favoured union representation. In the 143 elections that were lost and resulted in dismissals, 6,368 employees participated, and, of these, 2,260 or 35.5 percent voted for union representation. **(Table 5)**

Eight unions, each with more than 25 applications, accounted for 65.3 percent of the total filings: Labourers (167), Carpenters (48), Canadian Auto Workers (38), Canadian Union of Public Employees (CUPE) (29), Teamsters (36), Painters (37), Food and Commercial Workers (31), United Steelworkers (26). In contrast, twelve unions filed fewer than five applications each. These unions together accounted for 5.07 percent of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 95.6 percent of the applications received, concentrated in construction (273) and other services (200). These two groups comprised 74.9 percent of the total non-manufacturing applications. The 28 applications involving establishments in manufacturing industries comprised 4.43% percent of the new applications.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2005-2006. The average size of the 352 bargaining units in the 352 applications that were certified was 19 employees, compared with 43 employees in 2004-2005. The 142 units in construction certifications averaged 8 employees, and the 210 units in non-construction certifications averaged 25 employees. Seventy-six point seven percent of the total certification applications involved units of fewer than 40 employees, and 44 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted increased to 14,461 from 11,610 in 2005-2006. **(Table 9)**

Of the employees covered by the certification applications granted, 207, or 1.43 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 4 employees. Full-time and part-time employees were represented in units covering 37 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Seventeen point four (17.4) percent of the employees, or 2,508 were employed in production and related occupations. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 20 calendar days was required to complete the 352 certification applications granted from receipt to disposition. For non-construction certification, the median time was 22 days for 210 cases; and for construction certification, the median time was 25 days for 142 cases. **(Table 10)**

Eighty-six (86.0) percent of the 352 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10)**.

Termination of Bargaining Rights

In 2005-2006, the Board received 95 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 34 cases were carried over from 2004-2005. **(Table 1)**

Of the 129 cases processed, bargaining rights were terminated in 2 cases, 31 cases were dismissed, 14 cases were settled and 32 cases were pending at March 31, 2006.

62 representation votes were held on 81 cases that were either granted or dismissed. A total of 5,207 employees were eligible to vote in the 62 elections that were held, of whom 4,059 or 77 percent cast ballots. Of those who cast ballots, 318 voted for continued representation by unions and 1,628 voted against. **(Table 5)**

Representation Votes

In 2005-2006, the Board's Labour Relations Officers and Conciliators conducted a total of 454 representation votes among employees in one or more bargaining units. Of the 454 votes conducted, 386 involved certification applications, and 68 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 359 involved a single union on the ballot, and 27 involved two unions.

A total of 27,305 employees were eligible to vote in the 454 elections that were conducted, of whom 22,217 or 81.0 percent cast ballots. Of those who participated, 53.0 percent voted in favour of union representation. In the 386 elections in certification applications, 82.0 percent of the eligible voters cast ballots, with 44.0 percent of the participants voting for union representation.

In the 68 votes in applications for termination of bargaining rights, 78.0 percent of the eligible voters cast ballots, with only 50.0 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 18 requests dealt with by the Board during the fiscal year, 4 cases were granted, 10 cases were dismissed, 3 cases were settled, and the remaining case was pending at March 31, 2006. **(Table 1)**

In the 17 votes held, employees accepted the employer's offer in 4 cases and rejected the offer in 10 cases.

Declaration of Successor Trade Union

In 2005-2006, the Board dealt with 81 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 42 cases.
(Table 1)

Declaration of Successor or Common Employer Status

In 2005-2006, the Board dealt with 328 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 39 cases, 5 applications were dismissed, 125 cases were settled and 159 cases were pending at March 31, 2006. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2005-2006, the Board dealt with 14 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Ten cases were settled, no cases were granted. Two cases were pending at March 31, 2006. **(Table 1)**

Consent to Prosecute

In 2005-2006, the Board dealt with 4 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Three cases were settled, the remaining case was pending at March 31, 2006. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2005-2006, the Board received 1,450 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 496 cases were carried over from 2004-2005. Of the 1,450 cases processed, 687 were settled, and 540 cases were pending at March 31, 2006. **(Table 1)**

In 910, or 62.0 percent, of the 1,450 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 21 cases, 197 cases were dismissed, and 5 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 2005-2006, the Board received 888 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 217 were carried over from 2004-2005. Of the total 1,105 processed, 905 were disposed of; of these, awards were made by the Board in 175 cases, 10 cases were dismissed, and 200 cases were pending at March 31, 2006. **(Table 1)**

In 905, or 81.0, percent of the 1,105 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

One application was processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was granted. **(Table 1)**

Early Termination of Collective Agreements

Eleven applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in nine cases, and settled in two cases. **(Table 1)**

Union Financial Statements

Four complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Four applications were settled. **(Table 1)**

Jurisdictional Disputes

Ninety-one complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in seven cases, 32 cases were settled, 9 cases were dismissed, and 41 cases were pending at March 31, 2006. **(Table 1)**

Referral on Employee Status

The Board dealt with 32 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Twelve cases were settled by the parties in discussions with labour relations officers. One case was granted, two cases were dismissed and the remaining seventeen cases were pending at March 31, 2006. **(Table 1)**

Referrals by Minister of Labour

In 2003-2004, the Board dealt with 8 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. One application was granted, three applications were settled, and the remaining four cases were pending at March 31, 2006. **(Table 1)**

The Board also dealt with 6 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act.* Three applications were granted, one was dismissed, one was settled and the remaining case was pending at March 31, 2006. **(Table 1)**

First Agreement Arbitration

In 2005-2006, the Board processed 14 applications for directions to settle first agreements by arbitration. Nine cases were settled, three were granted and two cases were pending at March 31, 2006. **(Table 1)**

Occupational Health and Safety Act

In 2005-2006, the Board received 176 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Fifty-two cases were carried over from 2005-2006.

Of the total 176 cases processed, 120 cases were disposed of. Of these, 101 cases were settled by the parties in discussions with labour relations officers **(Table 3)**. Seventeen cases were dismissed, one case was terminated, and the remaining 56 were pending at March 31, 2006.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,573 appeals during 2005-2006. Of the 1,046 cases that were disposed of, 84 were granted, 207 were dismissed, 700 cases were settled, 55 were terminated, and 527 cases were pending at March 31, 2006. **(Table 1)**

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Two hundred and ninety-eight appeals were dealt with by the Board in 2005-2006. Of the 211 cases that were disposed of, 7 appeals were granted, 65 were dismissed, 136 cases were settled, 3 were terminated and 87 cases were pending at March 31, 2006. **(Table 1)**

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2005-2006, the Board processed 7 applications under *the Public Sector Labour Relations Transition Act, 1997.* Of the 5 cases that were disposed of, 3 cases were granted and 2 were pending at March 31, 2006.. **(Table 1)**

COURT ACTIVITY 2005-2006

On April 1, 2005, there were twenty-four Board matters pending before the Courts, twenty-two at Divisional Court, and one matter seeking leave before each of the Court of Appeal for Ontario and the Supreme Court of Canada.

During the 2005-2006 fiscal year, there were eight new applications for judicial review of Board decisions filed with the Divisional Court. There were three applications for leave to the higher courts: one to the Court of Appeal and two to the Supreme Court of Canada

Two plaintiffs sought to sue the Board in Small Claims Court. Both claims were dismissed.

Twenty-one matters were disposed of by the Divisional Court. Sixteen applications for judicial review were dismissed; three were abandoned. The Board was asked to state two cases for contempt to the Divisional Court. In each matter, contempt was found and the offending parties were fined.

The Ontario Court of Appeal received one new motion for leave to appeal, in addition to entertaining one earlier pending matter. Both leave applications were dismissed.

The Supreme Court of Canada dismissed the one pending leave application. Two fresh ones have been filed by the applicants who were unsuccessful at the Court of Appeal.

On March 31, 2006, there were thirteen outstanding court applications, eleven applications for judicial review at Divisional Court, and two motions for leave at the Supreme Court of Canada.

Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2005-06

Type of Case	Caseload			Disposed of Fiscal Year 2005-06					Pending March 31, 2006
	Total	Pending April 1, 2005	Received Fiscal Year 2005-06	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	
Total	6,258	1,963	4,295	4,338	805	705	81	2,747	1,920
CERTIFICATION OF BARGAINING AGENTS	872	241	631	661	352	146	3	160	211
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	129	34	95	97	50	31	2	14	32
ACCREDITATION	3	0	3	1	1	0	0	0	2
DECLARATION OF SUCCESSOR TRADE UNION	81	53	28	69	42	2	9	16	12
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	328	165	163	169	39	5	0	125	159
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	14	3	11	12	0	2	0	10	2
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	4	0	4	3	0	1	0	2	1
CONSENT TO PROSECUTE	4	2	2	3	0	0	0	3	1
CONTRAVENTION OF ACT	1,450	496	954	910	21	197	5	687	540
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	1	1	0	1	1	0	0	0	0
EARLY TERMINATION OF COLLECTIVE AGREEMENT	11	1	10	11	9	0	0	2	0
TRADE UNION FINANCIAL STATEMENT	4	1	3	4	0	0	0	4	0
JURISDICTIONAL DISPUTE	91	40	51	50	7	9	2	32	41
REFERRAL ON EMPLOYEE STATUS	32	18	14	15	1	2	0	12	17
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	14	3	11	9	4	1	0	4	5
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,105	217	888	905	175	10	1	719	200
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	176	52	124	120	1	17	1	101	56
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	2	0	2	1	0	0	0	1	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	0	1	0	0	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	14	6	8	12	3	0	0	9	2
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	9	6	3	1	0	0	0	1	8
FINAL OFFER VOTE**	18	1	17	17	4	10	0	3	1
EMPLOYMENT STANDARDS ACT (APPEAL)	1,573	529	1,044	1,046	84	207	55	700	527
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	298	86	212	211	7	65	3	136	87
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	7	0	7	5	3	0	0	2	2
PROJECT AGREEMENT APPLICATION	0	0	0	0	0	0	0	0	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	5	4	1	2	1	0	0	1	3
OTHER CASE TYPES	12	3	9	2	0	0	0	2	10

* Includes cases in which a request was granted or a determination made by the Board.

** For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 2001-02 to 2005-06

TYPE OF CASE	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2001-02	2002-03	2003-04	2004-05	2005-06	Total	2001-02	2002-03	2003-04	2004-05	2005-06
Total	21,401	3,900	4,324	4,316	4,566	4,295	20,917	3,958	4,039	4,133	4,449	4,338
CERTIFICATION OF BARGAINING AGENTS	3,401	624	658	729	759	631	3,369	686	627	584	811	661
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	628	180	108	113	132	95	639	174	125	102	141	97
ACCREDITATION	6	1	1	1	0	3	8	4	0	2	1	1
DECLARATION OF SUCCESSOR TRADE UNION	205	38	13	3	123	28	202	44	15	4	70	69
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	758	149	158	144	144	163	737	162	161	130	115	169
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	105	35	22	16	21	11	105	33	21	21	18	12
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	10	3	2	1	0	4	10	2	3	2	0	3
CONSENT TO PROSECUTE	19	3	5	4	5	2	19	3	3	5	5	3
CONTRAVENTION OF ACT	4,500	842	912	879	913	954	4,382	871	837	848	916	910
RIGHT OF ACCESS	0	0	0	0	0	0	0	0	0	0	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	16	9	4	1	2	0	20	5	9	4	1	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	43	10	8	8	7	10	45	10	9	9	6	11
TRADE UNION FINANCIAL STATEMENT	21	2	9	4	3	3	25	5	2	6	8	4
JURISDICTIONAL DISPUTE	204	30	49	31	43	51	179	24	39	39	27	50
REFERRAL ON EMPLOYEE STATUS	99	14	33	12	26	14	104	14	44	12	19	15
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	63	21	13	11	7	11	65	21	15	13	7	9
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	1	0	0	0	0	1	0	1	0	0	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,204	706	820	844	946	888	4,111	669	831	844	862	905
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	534	97	96	112	105	124	513	91	101	94	107	120
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	5	0	0	3	0	2	5	0	1	0	3	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	0	0	0	0	2	0	1	0	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	48	14	9	11	6	8	49	15	9	9	4	12
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	16	0	6	3	4	3	9	1	2	3	2	1
FINAL OFFER VOTE	99	31	17	15	19	17	102	32	19	13	21	17
EMPLOYMENT STANDARDS ACT (APPEALS)	5,189	739	1,024	1,221	1,161	1,044	5,006	744	834	1,211	1,171	1,046
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	823	161	175	142	133	212	799	145	167	149	127	211
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	56	40	6	3	0	7	73	51	11	4	2	5
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	146	146	0	0	0	0	147	147	0	0	0	0
PROJECT AGREEMENT APPLICATION	5	3	1	1	0	0	4	3	0	1	0	0
FIRE PROTECTION AND PREVENTION ACT	0	0	0	0	0	0	4	2	1	1	0	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	11	0	2	3	5	1	8	0	0	2	4	2
OTHER CASE TYPES	185	0	173	1	2	9	175	0	151	21	1	2

Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 2005-06

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Pending April 1, 2005					
		Total	Number	Percent	Referred to Board	Sine Die	Pending**
Total	6,258	4,337	3,584	83%	753	913	1,918
CERTIFICATION OF BARGAINING AGENTS	872	661	567	86%	94	64	211
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	328	169	132	78%	37	56	159
REFERRAL ON EMPLOYEE STATUS	32	15	13	87%	2	5	17
CONTRAVENTION OF ACT	1,450	910	772	85%	138	192	540
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,105	905	809	89%	96	454	200
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	176	120	104	87%	16	18	56
EMPLOYMENT STANDARD ACTS (APPEAL)	1,573	1,046	766	73%	280	35	527
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	298	211	192	91%	19	51	87
ALL OTHER CASE TYPES	424	300	229	76%	77	38	121

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4

Results of Representation Votes Conducted * Fiscal Year 2005-06

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	454	27,305	22,217	11,835
Certification	386	22,195	18,230	9,837
Regular cases				
One union	303	17,368	14,969	7,233
Two unions	25	4,103	2,533	2,384
Construction cases				
One union	56	674	680	172
Two unions	2	50	48	48
Termination of Bargaining Rights				
One union	68	5,110	3,987	1,998

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5

Results of Representation Votes in cases Disposed of *
Fiscal Year 2005-06

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
					In Votes			In Votes			In Votes	
	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	456	296	160	26,813	15,695	11,118	22,025	12,777	9,248	12,136	8,248	3,888
Certification	394	251	143	21,606	14,234	7,372	17,966	11,598	6,368	10,190	7,930	2,260
Regular cases												
One union	286	193	93	16,418	10,816	5,602	14,151	9,204	4,947	7,210	5,769	1,441
Two unions	24	18	6	4,158	2,985	1,173	2,551	1,907	644	2,517	1,879	638
Construction cases												
One union	73	34	39	861	328	533	954	358	596	283	184	99
Two unions	11	6	5	169	105	64	310	129	181	180	98	82
Termination												
One union	62	45	17	5,207	1,461	3,746	4,059	1,179	2,880	1,946	318	1,628

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of *, by Major Type of Case, Fiscal Year 2005-06

	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
Time Taken (No. of Days)	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3,425	1.0	597	1.0	718	1.0	451	1.0	1,659	1.0
Under 8 days	270	7.9%	88	14.7%	24	3.3%	108	23.9%	50	3.0%
8-14 days	461	21.3%	132	36.9%	53	10.7%	172	62.1%	104	9.3%
15-21 days	356	31.7%	115	56.1%	48	17.4%	51	73.4%	142	17.8%
22-28 days	216	38.0%	50	64.5%	49	24.2%	20	77.8%	97	23.7%
29-35 days	165	42.9%	26	68.8%	38	29.5%	16	81.4%	85	28.8%
36-42 days	183	48.2%	22	72.5%	60	37.9%	12	84.0%	89	34.2%
43-49 days	150	52.6%	13	74.7%	39	43.3%	13	86.9%	85	39.3%
50-56 days	145	56.8%	15	77.2%	46	49.7%	5	88.0%	79	44.1%
57-63 days	114	60.1%	8	78.6%	35	54.6%	3	88.7%	68	48.2%
64-70 days	88	62.7%	9	80.1%	24	57.9%	4	89.6%	51	51.2%
71-77 days	69	64.7%	5	80.9%	21	60.9%	1	89.8%	42	53.8%
78-84 days	83	67.2%	7	82.1%	18	63.4%	4	90.7%	54	57.0%
85-91 days	94	69.9%	12	84.1%	25	66.9%	3	91.4%	54	60.3%
92-98 days	52	71.4%	4	84.8%	15	68.9%	0	91.4%	33	62.3%
99-105 days	69	73.4%	5	85.6%	15	71.0%	1	91.6%	48	65.2%
106-126 days	161	78.1%	9	87.1%	38	76.3%	4	92.5%	110	71.8%
127-147 days	125	81.8%	6	88.1%	34	81.1%	7	94.0%	78	76.5%
148-168 days	99	84.7%	7	89.3%	20	83.8%	2	94.5%	70	80.7%
Over 168 days	525	100.0%	64	100.0%	116	100.0%	25	100.0%	320	100.0%

* Excludes cases in which proceedings were adjourned sine die

Table 7

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 2005-06

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	631	597	352	149	96
ASBESTOS WORKERS	2	0	0	0	0
AUTO WORKERS	4	4	3	1	0
BOILERMAKERS	5	3	3	0	0
BREWERY AND SOFT DRINK WORKERS	16	14	10	2	2
BRICKLAYERS INTERNATIONAL	2	2	2	0	0
CANADIAN AUTO WORKERS	38	44	26	14	4
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	29	33	19	9	5
CARPENTERS	48	57	26	16	15
CHRISTIAN LABOUR ASSOCIATION	13	12	7	2	3
CLOTHING AND TEXTILE WORKERS	8	8	7	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	8	9	7	1	1
ELECTRICAL WORKERS (IBEW)	20	21	14	2	5
FOOD AND COMMERCIAL WORKERS	31	31	21	8	2
FOOD AND SERVICE WORKERS	10	10	7	1	2
GRAPHIC COMMUNICATION UNION	2	2	0	1	1
HOTEL EMPLOYEES	2	1	0	0	1
INDEPENDENT LOCAL UNION	1	1	1	0	0
INTERNATIONAL OPERATING ENGINEERS	20	15	7	5	3
LABOURERS	167	146	80	36	30
MACHINISTS	3	4	3	1	0
NEWSPAPER GUILD	3	1	0	1	0
OFFICE AND PROFESSIONAL EMPLOYEES	4	3	1	2	0
ONTARIO NURSES ASSOCIATION	7	7	5	1	1
ONTARIO PUBLIC SCHOOL TEACHERS	1	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	6	8	8	0	0
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	5	4	3	1	0
PAINTERS	37	29	17	6	6
PLUMBERS	24	14	7	4	3
RETAIL WHOLESALE EMPLOYEES	6	5	1	4	0
SERVICE EMPLOYEES INTERNATIONAL	25	21	17	2	2
SHEET METAL WORKERS	4	5	4	1	0
STRUCTURAL IRON WORKERS	10	10	7	0	3
TEACHERS FEDERATION	4	4	3	1	0
TEAMSTERS	36	38	18	17	3
THEATRICAL STAGE EMPLOYEES	6	6	5	0	1
UNITED STEELWORKERS	26	25	13	9	3

*Includes cases which were closed for administrative purposes
**Excludes cases in which proceedings were adjourned sine die

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2005-06

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	631	597	352	149	96
Manufacturing	28	21	15	5	1
FABRICATED METALS	1	1	1	0	0
FOOD, BEVERAGES	12	10	8	2	0
MACHINERY	3	2	1	1	0
PETROLEUM	0	1	0	0	1
PRINTING, PUBLISHING	2	1	1	0	0
RUBBER, PLASTICS	1	1	0	1	0
TEXTILES	1	1	1	0	0
WOOD	2	1	1	0	0
OTHER MANUFACTURING	6	3	2	1	0
Non-Manufacturing	603	576	337	144	95
ACCOMMODATION, FOOD SERVICES	6	7	3	4	0
CONSTRUCTION	273	241	136	47	58
EDUCATION, RELATED SERVICES	2	0	0	0	0
ELECTRIC, GAS, WATER	1	1	1	0	0
FINANCE, INSURANCE CARRIERS	2	2	1	1	0
HEALTH, WELFARE SERVICES	27	26	16	6	4
HOSPITAL	5	2	1	1	0
LOCAL GOVERNMENT	1	3	2	1	0
MINING, QUARRYING	1	1	0	1	0
MUNICIPAL	1	2	2	0	0
PERSONAL SERVICES	4	4	2	1	1
RECREATIONAL SERVICES	1	1	1	0	0
RETAIL TRADE	2	2	2	0	0
SCHOOL BOARD	1	1	1	0	0
STORAGE	1	1	0	1	0
TRANSPORTATION	8	10	9	1	0
OTHER SERVICES	200	204	123	59	22
OTHER NON-MANUFACTURING	67	68	37	21	10

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9
Size of Bargaining Units in Certification Applications Granted Fiscal Year 2005-06

	Total		Construction **		Non-Construction	
Employee Size *	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	352	14,461	142	1,057	210	13,404
0-9 employees	155	672	113	420	42	252
10-19 employees	72	995	21	267	51	728
20-39 employees	43	1,194	4	97	39	1,097
40-99 employees	48	3,078	4	273	44	2,805
100-199 employees	22	2,860	0	0	22	2,860
200-499 employees	9	2,929	0	0	9	2,929
500 employees or more	3	2,733	0	0	3	2,733

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 348 bargaining units were certified in the 352 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 8, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10
Time Required to Process Certification Applications Granted * Fiscal Year 2005-06

Working Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	352	100.0	210	100.0	142	100.0
Under 8 days	1	0.3	0	0.0	1	0.7
8-14 days	55	15.9	0	0.0	55	39.4
15-21 days	96	43.2	84	40.0	12	47.9
22-28 days	54	58.5	40	59.0	14	57.7
29-35 days	31	67.3	24	70.5	7	62.7
36-42 days	16	71.9	13	76.7	3	64.8
43-49 days	13	75.6	9	81.0	4	67.6
50-56 days	15	79.8	9	85.2	6	71.8
57-63 days	6	81.5	3	86.7	3	73.9
64-70 days	5	83.0	1	87.1	4	76.8
71-77 days	9	85.5	4	89.0	5	80.3
78-84 days	3	86.4	1	89.5	2	81.7
85-91 days	1	86.6	0	89.5	1	82.4
92-98 days	2	87.2	0	89.5	2	83.8
99-105 days	1	87.5	1	90.0	0	83.8
106-126 days	8	89.8	6	92.9	2	85.2
127-147 days	7	91.8	3	94.3	4	88.0
148-168 days	2	92.3	1	94.8	1	88.7
Over 168 days	27	100.0	11	100.0	16	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry Fiscal Year 2005-06

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	352	14,449	5	207	1	4	1	37	345	14,201
Manufacturing	15	2,577	3	178	0	0	1	37	11	2,362
FABRICATED METALS	1	45	1	45	0	0	0	0	0	0
FOOD, BEVERAGES	8	966	1	92	0	0	0	0	7	874
WOOD	1	41	1	41	0	0	0	0	0	0
PRINTING, PUBLISHING	1	37	0	0	0	0	1	37	0	0
MACHINERY	1	64	0	0	0	0	0	0	1	64
TETXTILES	1	1,182	0	0	0	0	0	0	1	1,182
OTHER MANUFACTURING	2	242	0	0	0	0	0	0	2	242
Non-Manufacturing	337	11,872	2	29	1	4	0	0	334	11,839
ACCOMODATION, FOOD SERVICES	3	209	0	0	0	0	0	0	3	209
CONSTRUCTION	136	1,032	0	0	0	0	0	0	136	1,032
ELECTRIC, GAS, WATER	1	9	0	0	0	0	0	0	1	9
FINANCE, INSURANCE CARRIERS	1	4	0	0	1	4	0	0	0	0
HEALTH, WELFARE SERVICES	16	660	0	0	0	0	0	0	16	660
HOSPITAL	1	30	0	0	0	0	0	0	1	30
LOCAL GOVERNMENT	2	15	1	4	0	0	0	0	1	11
MUNICIPAL	2	68	0	0	0	0	0	0	2	68
PERSONAL SERVICES	2	61	0	0	0	0	0	0	2	61
RECREATIONAL SERVICES	1	10	0	0	0	0	0	0	1	10
RETAIL TRADE	2	31	1	25	0	0	0	0	1	6
SCHOOL BOARD	1	10	0	0	0	0	0	0	1	10
TRANSPORTATION	9	1,032	0	0	0	0	0	0	9	1,032
OTHER SERVICES	123	6,733	0	0	0	0	0	0	123	6,733
OTHER NON-MANUFACTURING	37	1,968	0	0	0	0	0	0	37	1,968

Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2005-06

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	352	14,449	5	207	1	4	1	37	345	14,201
AUTO WORKERS	3	620	0	0	0	0	0	0	3	620
BOILERMAKERS	3	25	0	0	0	0	0	0	3	25
BREWERY AND SOFT DRINK WORKERS	10	159	0	0	0	0	0	0	10	159
BRICKLAYERS INTERNATIONAL	2	4	0	0	0	0	0	0	2	4
CANADIAN AUTO WORKERS	26	2,729	2	70	0	0	0	0	24	2,659
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	19	999	1	4	0	0	0	0	18	995
CARPENTERS	26	186	0	0	0	0	0	0	26	186
CHRISTIAN LABOUR ASSOCIATION	7	254	0	0	0	0	0	0	7	254
CLOTHING AND TEXTILE WORKERS	7	650	0	0	0	0	0	0	7	650
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	7	443	0	0	0	0	1	37	6	406
ELECTRICAL WORKERS (IBEW)	14	162	0	0	0	0	0	0	14	162
FOOD AND COMMERCIAL WORKERS	21	1,055	0	0	0	0	0	0	21	1,055
FOOD AND SERVICE WORKERS	7	157	0	0	0	0	0	0	7	157
INDEPENDENT LOCAL UNION	1	128	0	0	0	0	0	0	1	128
INTERNATIONAL OPERATING ENGINEERS	7	36	0	0	0	0	0	0	7	36
LABOURERS	80	903	0	0	0	0	0	0	80	903
MACHINISTS	3	53	1	41	0	0	0	0	2	12
OFFICE AND PROFESSIONAL EMPLOYEES	1	4	0	0	1	4	0	0	0	0
ONTARIO NURSES ASSOCIATION	5	57	0	0	0	0	0	0	5	57
ONTARIO PUBLIC SERVICE EMPLOYEES	8	387	0	0	0	0	0	0	8	387
PAINTERS	17	299	0	0	0	0	0	0	17	299
PLUMBERS	7	55	0	0	0	0	0	0	7	55
RETAIL WHOLESALE EMPLOYEES	1	2	0	0	0	0	0	0	1	2
SERVICE EMPLOYEES INTERNATIONAL	17	1,558	0	0	0	0	0	0	17	1,558
SHEET METAL WORKERS	4	31	0	0	0	0	0	0	4	31
STRUCTURAL IRON WORKERS	7	34	0	0	0	0	0	0	7	34
TEACHERS FEDERATION	3	170	0	0	0	0	0	0	3	170
TEAMSTERS	18	1,233	1	92	0	0	0	0	17	1,141
THEATRICAL STAGE EMPLOYEES	5	54	0	0	0	0	0	0	5	54
UNITED STEELWORKERS	13	1,308	0	0	0	0	0	0	13	1,308
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	3	694	0	0	0	0	0	0	3	694

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2005-06

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	352	14,449	139	2,508	1	45	2	552	1	36	209	11,308
Manufacturing	15	2,577	5	697	1	45	0	0	0	0	9	1,835
FABRICATED METAL	1	45	0	0	1	45	0	0	0	0	0	0
FOOD, BEVERAGES	8	966	3	463	0	0	0	0	0	0	5	503
WOOD	1	41	0	0	0	0	0	0	0	0	1	41
PRINTING, PUBLISHING	1	37	0	0	0	0	0	0	0	0	1	37
MACHINERY	1	64	1	64	0	0	0	0	0	0	0	0
TEXTILES	1	1,182	0	0	0	0	0	0	0	0	1	1,182
OTHER MANUFACTURING	2	242	1	170	0	0	0	0	0	0	1	72
Non-Manufacturing	337	11,872	134	1,811	0	0	2	552	1	36	200	9,473
ACCOMODATION, FOOD SERVICES	3	209	1	177	0	0	0	0	0	0	2	32
CONSTRUCTION	136	1,032	112	824	0	0	0	0	0	0	24	208
ELECTRICAL, GAS, WATER	1	9	0	0	0	0	0	0	0	0	1	9
FINANCE, INSURANCE CARRIERS	1	4	1	4	0	0	0	0	0	0	0	0
HEALTH, WELFARE SERVICES	16	660	8	202	0	0	0	0	0	0	8	458
HOSPITAL	1	30	1	30	0	0	0	0	0	0	0	0
LOCAL GOVERNMENT	2	15	1	11	0	0	0	0	0	0	1	4
MUNICIPAL	2	68	0	0	0	0	0	0	0	0	2	68
PERSONAL SERVICES	2	61	0	0	0	0	0	0	0	0	2	61
RECREATIONAL SERVICES	1	10	1	10	0	0	0	0	0	0	0	0
RETAIL TRADE	2	31	0	0	0	0	0	0	0	0	2	31
SCHOOL BOARD	1	10	0	0	0	0	0	0	0	0	1	10
TRANSPORTATION	9	1,032	1	149	0	0	2	552	1	36	5	295
OTHER SERVICES	123	6,733	7	295	0	0	0	0	0	0	116	6,438
OTHER NON-MANUFACTURING	37	1,968	1	109	0	0	0	0	0	0	36	1,859

Table 14

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 2005-06

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	352	14,449	139	2,508	1	45	2	552	1	36	209	11,308
AUTO WORKERS	3	620	1	64	0	0	0	0	0	0	2	556
BREWERY AND SOFT DRINK WORKERS	10	159	1	11	0	0	0	0	0	0	9	148
BOILERMAKERS	3	25	3	25	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	2	4	2	4	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	26	2,729	4	315	1	45	0	0	1	36	20	2,333
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	19	999	2	45	0	0	0	0	0	0	17	954
CARPENTERS	26	186	25	175	0	0	0	0	0	0	1	11
CLOTHING AND TEXTILE WORKERS	7	650	0	0	0	0	0	0	0	0	7	650
CHRISTIAN LABOUR ASSOCIATION	7	254	3	101	0	0	0	0	0	0	4	153
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	7	443	1	109	0	0	0	0	0	0	6	334
ELECTRICAL WORKERS (IBEW)	14	162	9	129	0	0	0	0	0	0	5	33
FOOD AND COMMERCIAL WORKERS	21	1,055	3	548	0	0	0	0	0	0	18	507
FOOD AND SERVICE WORKERS	7	157	0	0	0	0	0	0	0	0	7	157
INDEPENDENT LOCAL UNION	1	128	0	0	0	0	0	0	0	0	1	128
INTERNATIONAL OPERATING ENGINEERS	7	36	2	5	0	0	0	0	0	0	5	31
LABOURERS	80	903	47	200	0	0	0	0	0	0	33	703
MACHINISTS	3	53	0	0	0	0	0	0	0	0	3	53
OFFICE AND PROFESSIONAL EMPLOYEES	1	4	1	4	0	0	0	0	0	0	0	0
ONTARIO NURSES ASSOCIATION	5	57	2	20	0	0	0	0	0	0	3	37
ONTARIO PUBLIC SERVICE EMPLOYEES	8	387	1	43	0	0	0	0	0	0	7	344
PAINTERS	17	299	12	284	0	0	0	0	0	0	5	15
PLUMBERS	7	55	6	48	0	0	0	0	0	0	1	7
RETAIL WHOLESALE EMPLOYEES	1	2	0	0	0	0	0	0	0	0	1	2
SERVICE EMPLOYEES INTERNATIONAL	17	1,558	6	248	0	0	0	0	0	0	11	1,310
SHEET METAL WORKERS	4	31	1	4	0	0	0	0	0	0	3	27
STRUCTURAL IRON WORKERS	7	34	5	24	0	0	0	0	0	0	2	10
TEACHERS FEDERATION	3	170	0	0	0	0	0	0	0	0	3	170
TEAMSTERS	18	1,233	1	92	0	0	0	0	0	0	17	1,141
THEATRICAL STAGE EMPLOYEES	5	54	1	10	0	0	0	0	0	0	4	44
UNITED STEELWORKERS	13	1,308	0	0	0	0	2	552	0	0	11	756
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	3	694	0	0	0	0	0	0	0	0	3	694

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2005 AND MARCH 31, 2006

Number of Cases

Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 05/06											
Industrial	2	240	6	6	4	1	0	1	0	0	**260**
Construction	0	19	23	7	0	1	0	1	1	0	**52**
Total	**2**	**259**	**29**	**13**	**4**	**2**	**0**	**2**	**1**	**0**	**312**

Percentage of Cases

Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.77%	92.31%	2.31%	2.31%	1.54%	0.38%	0.00%	0.38%	0.00%	0.00%
Construction	0.00%	36.54%	44.23%	13.46%	0.00%	1.92%	0.00%	1.92%	1.92%	0.00%

Summary

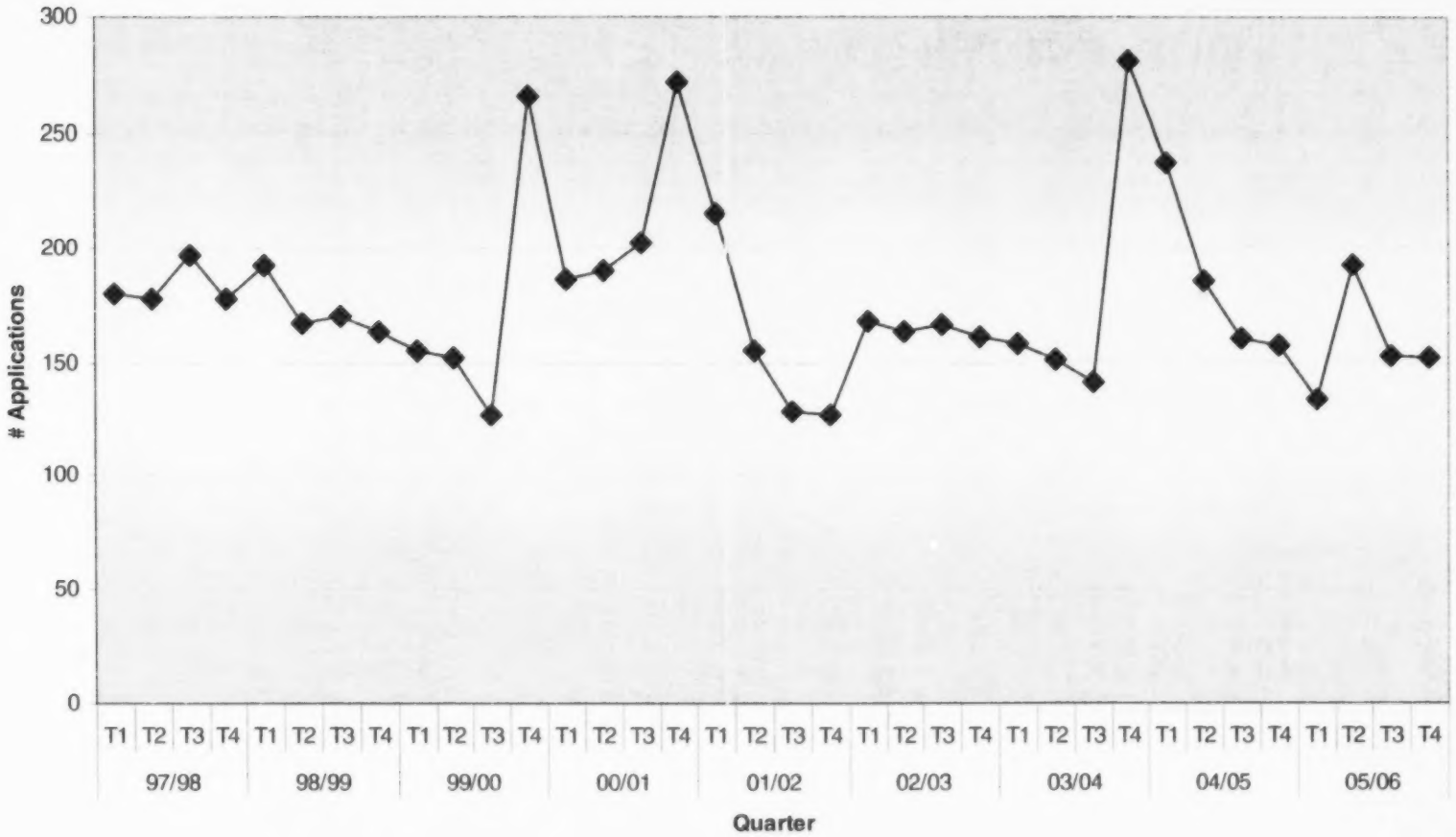
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	93.08%	97.69%	99.62%
Construction	36.54%	94.23%	96.15%

16A

New Certification Applications Received

By Quarter, April 1, 1998 to March 31, 2006



NEW CERTIFICATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2006

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	180	178	197	178	733
98/99	192	167	170	163	692
99/00	155	152	127	266	700
00/01	186	190	202	272	850
01/02	215	155	128	127	625
02/03	168	163	166	161	658
03/04	158	151	141	281	731
04/05	237	185	160	157	739
05/06	134	192	153	152	631
TOTAL	**1625**	**1533**	**1444**	**1757**	**6359**

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2005 AND MARCH 31, 2006

Number of Cases

Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 04/05	0	42	9	5	1	0	0	1	2	0	60

Percentage of Cases

Number of Days between Application date and date vote held

Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
0.00%	70.00%	15.00%	8.33%	1.67%	0.00%	0.00%	1.67%	3.33%	0.00%

Summary

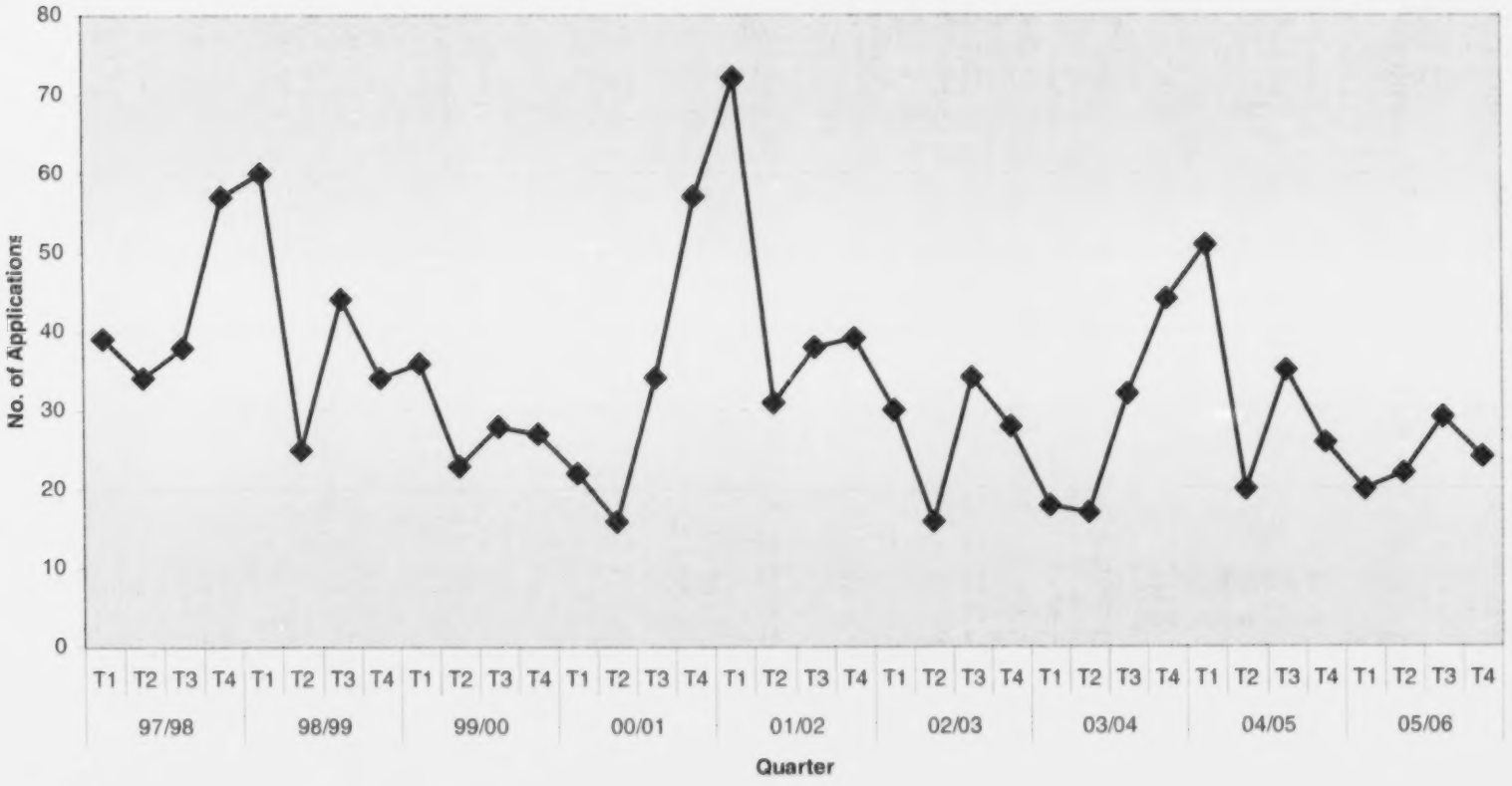
Percentages of votes held within

5 days or less	7 days or less	10 days or less
70%	93%	95%

18A

New Termination Applications Received

By Quarter, April 1, 1998 to March 31, 2006



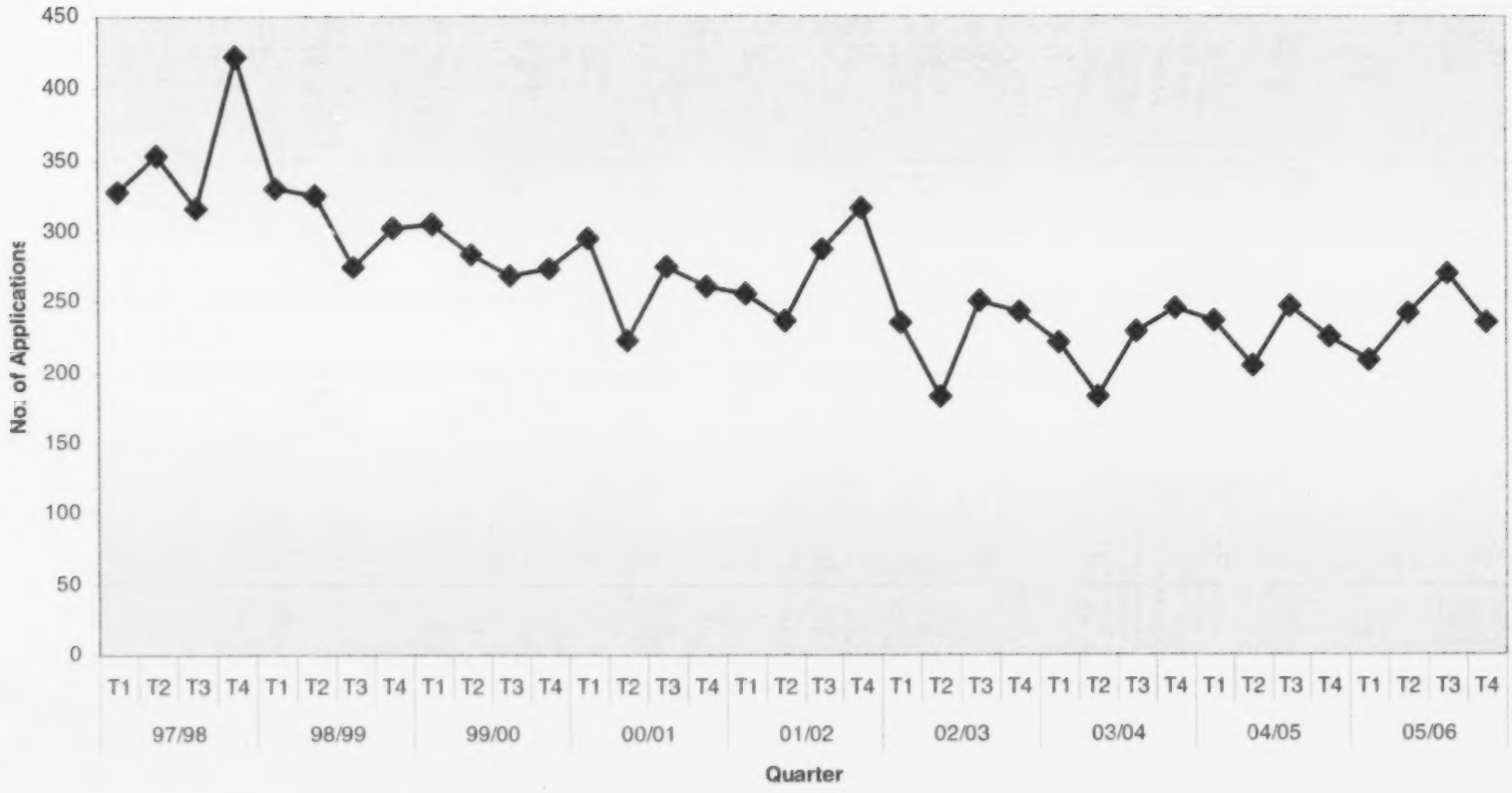
NEW TERMINATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2006

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	39	34	38	57	168
98/99	60	25	44	34	163
99/00	36	23	28	27	114
00/01	22	16	34	57	129
01/02	72	31	38	39	180
02/03	30	16	34	28	108
03/04	18	17	32	44	111
04/05	51	20	35	26	132
05/06	20	22	29	24	95
TOTAL	**348**	**204**	**312**	**336**	**1200**

19A

New Unfair Labour Practice Applications Received

By Quarter, April 1, 1998 to March 31, 2006



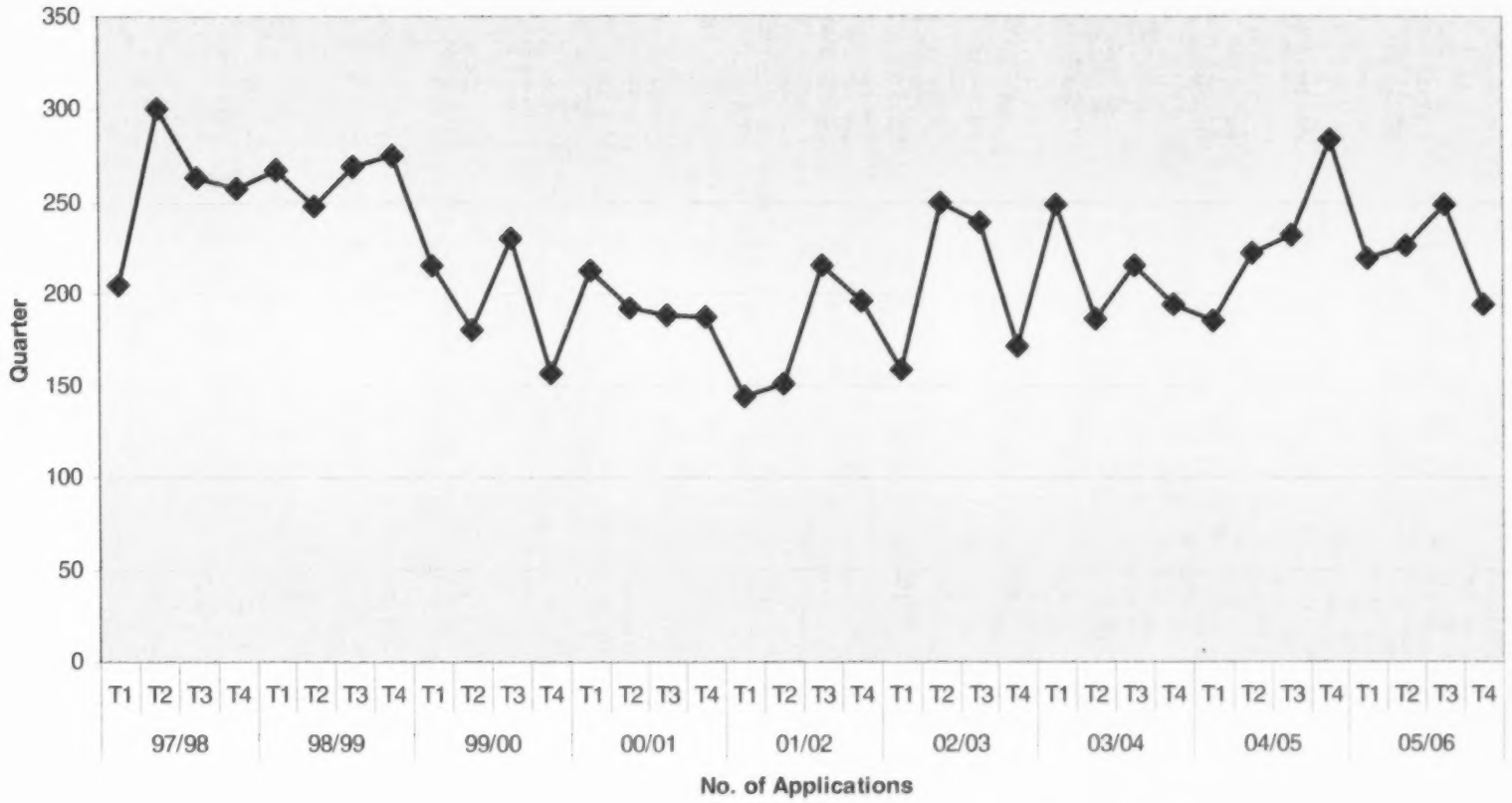
NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2006

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	328	353	316	422	1419
98/99	331	326	274	302	1233
99/00	305	284	268	273	1130
00/01	295	222	274	261	1052
01/02	256	237	287	316	1096
02/03	235	183	251	243	912
03/04	221	183	229	245	878
04/05	237	205	246	225	913
05/06	209	241	269	235	954
TOTAL	**2417**	**2234**	**2414**	**2522**	**8842**

20A

New Construction Industry Grievances Applications Received

By Quarter, April 1, 1998 to March 31, 2006



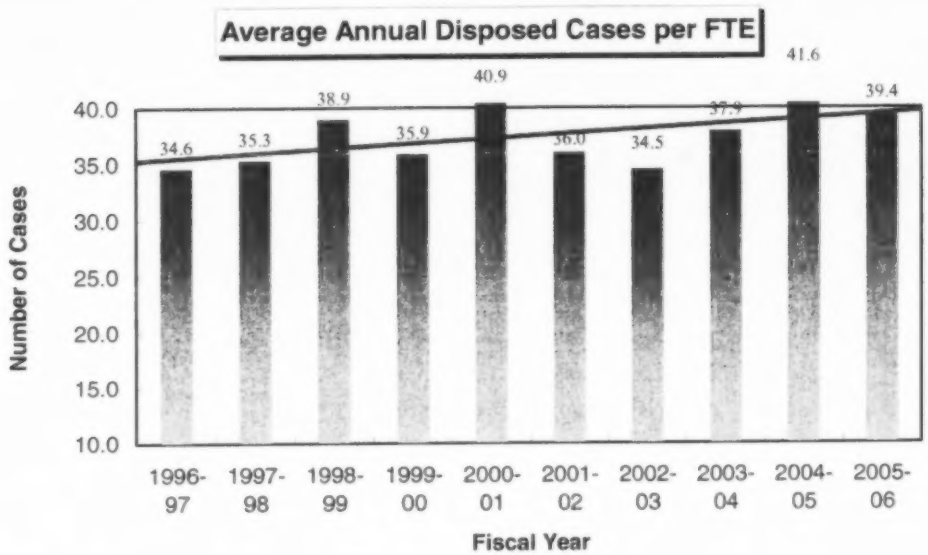
NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED

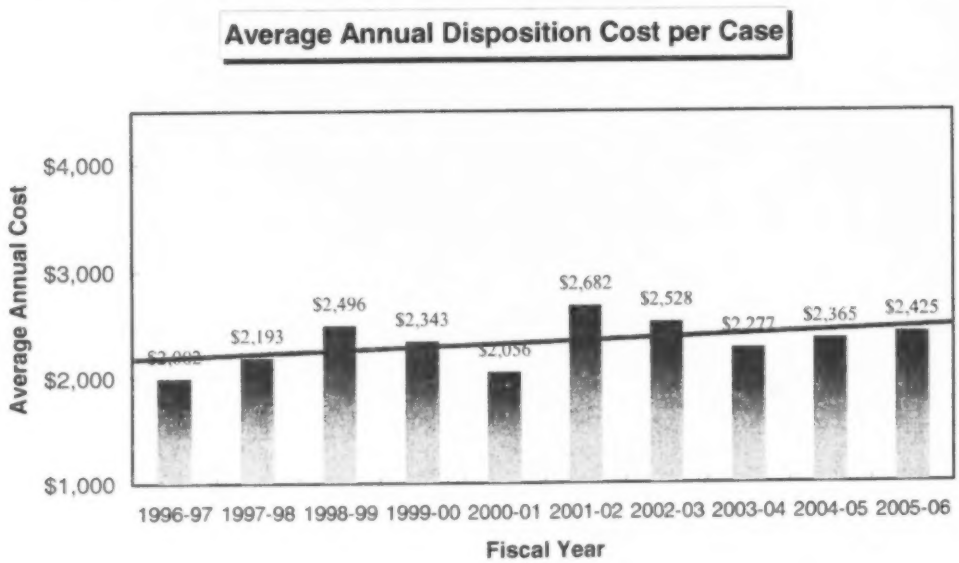
By Quarter, April 1, 1998 to March 31, 2006

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	205	300	263	257	1025
98/99	267	248	269	275	1059
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	159	250	239	172	820
03/04	249	186	215	194	844
04/05	185	222	232	284	923
05/06	219	226	249	194	888
TOTAL	1856	1955	2100	1916	7158

OLRB Case Management Efficiencies 1996-2006

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.





III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2005-2006 Commitments	2005-2006 Achievements
Fiscal Measures: **% variance between year end allocation expenditure**	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual: Exceeded commitment** + 2.2% variance Approved budget = 11,968.9 Actual expenditure = 11, 689.7
Program Effectiveness Measures:	90% Industrial cert. votes held within 5-7 days.	90% cert. votes held within 5-7 days.	**Actual: Exceeded commitment** 93.1% of votes held within 5-7 days or less
Meeting legislated time lines	95% held within 7-10 days	95% held within 7-10 days	97.7% of votes held within 7-10 days or less
	5% or less held within more than 10 days	5% or less held within more than 10 days	2.2 % of votes held in more than 10 days
% of LRA cases settled by mediation	80% of LRA cases settled through mediation	80% of LRA cases settled through mediation	**Actual: *Exceeded commitment –avg. 85.3%** *Based on completed case activity in certification/ unfair labour practices/grievances. Certs. - 567 of 661 ULPs – 772 of 910 Grievance Refs. – 809 of 905
% of ES and HS appeal cases settled by mediation	ES cases = 70% HS cases = 70%	ES cases = 70% HS cases = 70%	**Actual: Exceeded commitment** ES – 73.0% (766 of 1046) HS – 91% (192 of 211)
% of judicial reviews upheld	100% of judicial reviews upheld Board decision	100% of judicial reviews upheld Board decision	**Actual: 100% - met commitment** *Based on 21 disposed cases: 0 granted 16 dismissed, 3 abandoned * 2 stated cases for contempt allowed

IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2005/2006
All figures in $000.0 thousand

Account	Final Budget	Total Actual Expenditure	Variance	% of Variance	Explanation
Salaries & Wages	7,886.8	7,371.8	515.0	6%	Vacancy savings
Benefits	950.2	936.0	14.2	-1.5%	
Transp. & Comm.	737.6	599.1	137.9	18%	Reduced travel costs
Services (incl. Lease)	2,267.7	2,663.6	(395.9)	-17%	IT and Shared Service Pressures
Supplies & Equipment	126.6	119.3	7.3	6%	
Total ODOE	3,131.9	3,382.0	(250.1)	-8%	
Total ***	**11,968.9**	**11,689.7**	**279.2**	**2.2%**	

*** Printed Estimates ** Total Actual Expenditures including lease costs ***Savings used to offset costs/expenditures**

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Construction Grievances	380.0	429.2	+49.2	13%	Higher activity levels in construction industry
Subscriptions	38.5	43.4	+4.9	12%	
Total	**418.5**	**472.6**	**54.1**	**13%**	